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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/090,546	03/04/2002	Katherine Godfrey	01-4004D	5440

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EXAMINER

GAUTHIER, GERALD

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 08/11/2004

14

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/090,546

Applicant(s)

GODFREY ET AL.

Examiner

Gerald Gauthier

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 28, 2004 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. **Claims 1-16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Benson et al. (US 6,741,697) in view of Brehm et al. (US 2002/0118813) and in further view of Pattison et al. (US 5,946,375).

Regarding **claims 1, 5 and 9**, Benson discloses a method of visually representing call events and completion times on a call-type basis for calls to an automated response system of a call processing center (10 on FIG. 1), a call to the call processing center including an interactive voice response portion of the call, and, at a caller's option, a hold portion of the call (column 7, lines 1-20) and an agent-caller dialog portion of the call (column 4, line 57 to column 5, line 10), the method comprising the steps of:

obtaining a recording of calls (column 4, line 45 "the update call log") recorded from end to end (column 4, lines 45-56) [The update call log performs the function of updating with information from the telephony network and updates the call log database with business information derived from the call];

annotating events (column 7, line 49 "an alerting event") of interest that occurred during a recorded call (column 7, line 46 "in the process the call log 30"), time stamping a time (column 7, line 53 "the time when the monitor is alerted") when each event of interest occurred, and determining a call type of the call (column 7, line 44 "to place an order") by categorizing the call into one of the plurality of the calls types in accordance

with a manner the call was handled (column 7, lines 41-67) [The caller wishes to place an order, the call log 30 is update in the process with the appropriate information and the time when the monitor is alerted. The system determines the call type as an order and a screen pop allows the agent to enter the order details];

segregating time stamp data for predetermined significant events of the annotated events of interest, the time stamp data for the predetermined significant events providing timings for the predetermined significant events (column 8, lines 1-30) [The update call log performs the function of updating with the time that the agent connects and also the disconnect time. The times are separated in different logs as shown on FIGs. 5A-5D];

tabulating the timings by call type (§ 0043) [The times are separated in different logs and call type as shown on FIGs. 5A-5D].

Benson discloses a display of the order on FIG. 7, which displays information about a unique call number but fails to disclose preparing and visually displaying bar graphs to illustrate the timings of the predetermined significant events for each of the plurality of call types.

However, Brehm teaches preparing and visually displaying bar graphs (FIG. 6) to illustrate the timings of the predetermined significant events for each of the plurality of call types (§ 0055) [The data on FIG. 6 show bar graphs of the historical database with different timings].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Benson using the timing graphs prepared for the calls as taught by Brehm.

The modification of the invention would offer the capability of the timing graphs prepared for the calls such as the information given by a caller would be transferred among various applications.

Benson discloses the call type categorizing by multiple predetermined factors (column 7, lines 41-67) but fails to disclose categorizing the call in call type according to the manner the call was handling.

However, Pattison teaches the scheduler receive information about a plurality of call type to establish a monitoring session for particular agents in handling incoming call (column 25, lines 24-48).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Benson using the scheduler based on the call type information as taught by Pattison.

This modification of the invention would offer the capability of having multiple type of call type information such as the system would establish schedule for monitoring agent's performance.

Regarding **claims 2, 6, 10 and 14**, Benson discloses wherein the significant events include a caller entering the IVR portion, a caller being placed on hold, and a caller being transferred to a live agent (column 7, lines 1-20).

Regarding **claims 3, 7, 11 and 15**, Pattison teaches call types are categorized by call dispositions of the plurality of recorded calls (column 25, lines 24-48).

Regarding **claims 4, 8, 12 and 16**, Pattison teaches call types are categorized by final destinations of the plurality of recorded calls (column 25, lines 24-48).

Regarding **claim 13**, Benson, Brehm and Pattison disclose all the limitations of **claim 13** as stated in the rejection of **claim 1** and furthermore Benson discloses a computer program product (12 on FIG. 1).

Response to Arguments

5. Applicant's arguments with respect to **claims 1-16** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (703) 305-0981. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GERALD GAUTHIER
PATENT EXAMINER

g.g.
August 4, 2004

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